THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

W.P.No.10765 of 2007

Dated: 23.05.2007

Between:

M/s. National Oil Company.

.. Petitioner.

And

The Collector (Civil Supplies),
Ranga Reddy District at Lakdikapool,
Hyderabad.

.. Respondent.

ORDER:

This writ petition is filed questioning the action of the respondent and his subordinates in seizing 12,000 liters of PDS kerosene along with lorry tanker bearing registration No.AP12 U 4783 in connection with the case under Section 6-A of the Essential Commodities Act (for short 'the Act') on 18.05.2007 as illegal, arbitrary and unjust.

In the affidavit filed in support of the writ petition, it is averred that the petitioner, who is a wholesale distributor of kerosene at Jedcherla in Mahaboobnagar District, got lifted the stock of PDS kerosene allotted to her from the HPCL Terminal, Ghatkesar in Ranga Reddy District on 18.05.2007 through a lorry tanker bearing No. AP12 U 4783. On the same day, disturbances arose due to the bomb blast in the old city of Hyderabad, and therefore, when the tanker reached a place called Byramalguda, the driver of the tanker parked the vehicle in a vacant place opposite to Lalitha Garden at Byramalguda in order to make a phone call to the petitioner. Meanwhile, the District Supply Officer, Ranga Reddy District along with his staff came to the spot at 8.15 p.m. and seized the tanker.

The petitioner produced a copy of panchanama in which it is alleged that the reason for parking of the tanker at an unauthorized

place without going to the destination at Jedcherla is to divert the PDS kerosene to the black market. The petitioner also filed a statement of the driver of the tanker, in which it is mentioned that in order to take instructions from his master, he had parked the vehicle at the place at which it was seized.

Since the proceedings under Section 6-A of the Act are pending, I am not inclined to go into the correctness or otherwise of the version of the petitioner. Since the kerosene is meant for public distribution, interest of justice would be met if it is released to the petitioner subject to her furnishing bank guarantee for the value of the stock of Rs.1,03,637/- pending adjudication of the dispute under Section 6-A of the Act.

Accordingly, the writ petition is disposed of with a direction to the respondent to release the seized stock of 12,000 liters of kerosene to the petitioner subject to her furnishing a bank guarantee for the amount of Rs.1,03,637/- (Rupees One Lakh Three Thousand Six Hundred and Thirty Seven only). As far as the tanker is concerned, since the petitioner is not admittedly the owner, I am not inclined to grant any direction for release of the vehicle in her favour. No costs.

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C.V.NAGARJUNA REDDY, J

Date: 23.05.2007

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